

FILED

JUL 07 2014

COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 2/08)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXASCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

TYRON MCGARRAH #295907

Plaintiff's Name and ID Number

JACK HARWELL DETENTION CENTER

Place of Confinement

W14CA299

CASE NO.

(Clerk will assign the number)

v.

RODNEY COOPER 192 BASTILLE LANE SUITE 200 RUSTON, LA 71276

Defendant's Name and Address

JACK HARWELL DETENTION CENTER 3101 EAST MARLIN HIGHWAY WACO TX 76701

Defendant's Name and Address

WACOR DUKE 3101 EAST MARLIN HIGHWAY, WACO TX 76701

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original ~~and one copy~~ of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.
5. The complaint can not exceed 20 pages which includes all attachments.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ☒ YES ☐ NO

- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 3/1/2014

2. Parties to previous lawsuit:

Plaintiff(s) TYRON MCGARRAH

Defendant(s) DALE HANNA, WAYNE BRIDGEMAN, WILLIAM BOWEN, RONALD MCBROOM, RICARDO DELOS SANTOS

3. Court: (If federal, name the district; if state, name the county.) NORTHERN DISTRICT of TEXAS

4. Docket Number: 3:14-cv-0923-L-BH DALLAS DIVISION

5. Name of judge to whom case was assigned: HONORABLE IRMA CARRILLO RAMIREZ
6. Disposition: (Was the case dismissed, appealed, still pending?)
Dismissed
7. Approximate date of disposition: 3/19/2014

II. PLACE OF PRESENT CONFINEMENT: JACK HARWELL DETENTION CENTER (JHDC)

III. PARTIES TO THIS SUIT:

- A. Name and address of plaintiff: TYRON ALAN MCGARRAH
3101 EAST MARLIN HIGHWAY, WACO, TEXAS 76705
- B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: RODNEY COOPER EXECUTIVE DIRECTOR KASALE SOUTHWEST
CORRECTIONS CORPORATIONS 192 BASTILLE LANE, SUITE 200 RUSTIN, LA 71270

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

IN CHARGE OF MAKING, DISSEMINATING AND IMPLEMENTING ALL POLICIES AT THIS FACILITY JHDC

Defendant #2: ? DUKE HEAD WARDEN AT THE JACK HARWELL DETENTION CENTER
3101 EAST MARLIN HIGHWAY WACO, TEXAS 76705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

HAS NOT ALLOWED ME ACCESS TO THE COURT BY AND THROUGH THE LAW LIBRARY

Defendant #3: ? KING ASSISTANT WARDEN AT THE JACK HARWELL DETENTION CENTER
3101 EAST MARLIN HIGHWAY WACO, TEXAS 76705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

NOT ALLOWING ME ACCESS TO THE COURT BY AND THROUGH THE LAW LIBRARY

Defendant #4: JACK HARWELL DETENTION CENTER
3101 EAST MARLIN HIGHWAY, WACO, TX 76701

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

INADEQUATE LAW LIBRARY ONLY ONE COMPUTER TERMINAL
FOR 500 PLUS DETAINEES

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I. PREVIOUS LAWSUIT

1. DATE FILED: 3/31/2014
2. PARTIES TO LAWSUIT:
PLAINTIFF: TYRON ALAN M. GARDNER
DEFENDANTS: FLODIE WILLIAMS, Jimmy Johnson, Bob A. Ford, Rodney Cooper,
LONGSTAR VENDING COMPANY
3. COURT: NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION
4. DOCKET NUMBER: 3:14-cv-01119-M-BN
5. NAME OF JUDGE: HONORABLE STEPHEN M. G. LYNN
6. DISPOSITION: PENDING

I. PREVIOUS LAWSUITS

1. DATE OF LAWSUIT: 6/10/2014
2. PARTIES TO LAWSUIT:
PLAINTIFF: TYES N MCGARR
DEFENDANTS: ALTON KIMBLE, T. HEATH WILKINS, Jimmy Johnson, Rodney Cooper,
FIVE STAR FOOD SERVICES,
3. COURT: NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION
4. DOCKET NUMBER: 3:14-CV-02088-B-BK
5. JUDGE ASSIGNED: HONORABLE JANE J. BOYLE
6. DISPOSITION: Pending

I. PREVIOUS HISTORY

1. DATE FILED: 3/31/2014
2. PARTIES TO LAWSUIT:
PLAINTIFF: TYRON McHARRIS
DEFENDANTS: Bob Alford, Eddie Williams, Jimmy Johnson, Barker Cofer,
Brandon Wood.
3. COURT: Northern District of Texas, Dallas Division, appealed in THE
UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT New Orleans, LA.
4. DOCKET NUMBER: WAS 3:14-CV-01125-N-SF NOW 14-10618
5. JUDGE ASSIGNED: DON'T KNOW YET
6. DISPOSITION: APPEALED.

IV. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON 6/2/2014 I WAS TRANSFERRED FROM THE JOHNSON COUNTY JAIL TO THE JACK HARWELL DETENTION CENTER RUN BY LASALLE SOUTHWEST CORRECTIONS CORPORATION AND EXECUTIVE DIRECTOR RODNEY COOPER. I AM NOT BEING ALLOWED ADEQUATE ACCESS TO THE COURTS BY AND THROUGH THE LAW LIBRARY. I HAVE FORWARDED REQUESTS AND GRIEVANCES ON AND ABOUT THIS ISSUE TO NO AVAIL. I AM PROCEEDING PRO SE ON AN APPEAL FOR MY CRIMINAL CASE; F.48190 AND F.48312 OUT OF JOHNSON COUNTY AND HAVE NOT BEEN ABLE TO PREPARE OR TRANSMIT A MOTION TO APPEAL TO THE COURT OF CRIMINAL APPEALS. I CURRENTLY HAVE TWO CIVIL RIGHT CASES FILED IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION. I ALSO HAVE A CIVIL RIGHTS CASE ON APPEAL IN THE UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT. AS THE COURT KNOWS ALL OF THE CASES HAVE TIME LIMITS FOR,
 - SEE ATTACHMENT -

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

A PRELIMINARY INJUNCTION FOR MORE COMPUTERS AND BETTER POLICIES FOR ACCESS TO THE LAW. COMPENSATORY AND PUNITIVE DAMAGES AGAINST ALL DEFENDANTS

V. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

TYRON ALAN MEGARRAH TYRON ALLEN MEGARRAH

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

668131 - # 1206823 -

VI. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

AND ON REDRESS AND TO FILE AN APPEAL. THE JACK HARVEY DOES NOT ISSUE
 ENS TO DETAINEES ON INDIGENT SUPPLY, THEREFORE THE PLAINTIFF WANTS THE
 COURT TO KNOW THE PLAINTIFF WOULD NEVER VIOLATE OR DISRESPECT THE COURT BY
 WRITING IN PENCIL IF THE PLAINTIFF HAD ACCESS TO A PEN.

THE PLAINTIFFS HAS FORWARDED NUMEROUS REQUEST FOR A SIX MONTH
 STATEMENT AND BALANCE IN HIS TRUST FUND AND TO DATE HAS NO ANSWER.
 THE PLAINTIFF HAS SEVEN DAYS BEFORE HE RUNS OUT OF TIME TO FILE HIS
 APPEAL IN THE COURT OF CRIMINAL APPEALS, THE TEXAS SUPREME COURT.
 CLEARLY THE COURT CAN SEE THE PLAINTIFFS ACCESS TO THE COURT IS BEING
 RESTRICTED AND DENIED BY LACK OF POLICIES AND/OR THE LACK OF
 IMPLEMENTATION OF POLICIES BY THE DEPT. OF CORRECTIONS.

HERE AT THE JACK HARVEY DETENTION CENTER THERE IS ONLY ONE
 COMPUTER TO ACCESS THE LAW FOR FIVE HUNDRED PLUS DETAINEES.
 THE CORRECTIONAL OFFICERS ARE WORKING SEVEN DAYS A WEEK AND TWELVE
 HOURS A DAY.

I HAVE SENT NUMEROUS REQUEST AND ASKED NUMEROUS CORRECTIONAL
 OFFICERS FOR THE WARDENS FULL NAMES, NO REQUEST HAVE BEEN RETURNED,
 AND MOST OF THE CORRECTIONAL OFFICERS DON'T KNOW OR ASK "WHAT FOR?"

THE PLAINTIFF APOLOGIZES FOR THE MANY DISCREPANCIES IN THIS
 CIVIL RIGHTS COMPLAINT AND PRAYS THE COURT WILL MOVE FORWARD
 WITH THIS COMPLAINT AS THE DEFENDANT IS COMING BEFORE THE COURT
 IN GOOD FAITH

DATE: 7/2/2014

Tylon McDonald

RECEIVED

7-2-1464 506275 7-2-2014

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES _____ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)
1. Court that imposed warning (if federal, give the district and division): _____
 2. Case Number: _____
 3. Approximate date warnings were imposed: _____

Executed on: 7-2-2014
DATE

Tyron McDaniel
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 2ND day of July, 20 14.
(Day) (month) (year)

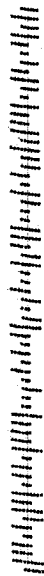
Tyron McDaniel
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

THE HONORABLE
#245907
JACK HADGEMILL DISTRICT CLERK
3101 EAST MARLIN HWY.
WACO, TEXAS 76705

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
Office of the Clerk
800 MARLIN AVENUE, Room 380
WACO, TEXAS 76701

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